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RIGHT-OF-ENTRY
FOR
DREDGE MATERIAL DISPOSAL

WHEREAS, pursuant to Public Law 87-874, H.D. 452, 87th Congress, the United States of America under the direction of the Secretary of the Department of the Army, and the supervision of the Corps of Engineers, United States Army, contemplates the construction of certain public works on the Columbia River for the 40-foot channel improvement, Port of Portland, State of Oregon, said Port having been duly and regularly organized and incorporated under the laws of the State of Oregon; and

WHEREAS, the said Port has secured from the owners of all real property to be affected right-of-entry permitting the said Port and/or its assigns to occupy certain lands for the purpose of deposit of dredged material and installing necessary retaining dikes, bulkheads and embankments therefor; and

WHEREAS, the United States of America desires written permission from said Port to enter upon and use the real property aforesaid for the purpose of deposit of dredged material.

NOW, THEREFORE, the Port of Portland, the Grantor, by and through its Executive Director and its Assistant Secretary, for and in consideration of the sum of ONE and No/100 Dollars (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby permit the United States of America, and/or its designated contractor, the right to

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Enter upon and occupy all lands and premises owned by or under the control of said PORT OF PORTLAND located at RIVERGATE INDUSTRIAL PARK, and access thereto, and to deposit dredged material.

The Corps of Engineers shall indemnify the Port of Portland from any justifiable claim or judgment from the deposit of dredged material due to the negligence of Government employees under the provisions and limitations of the Federal Tort Claim Act (28 U.S.C. 1346).

IN WITNESS WHEREOF, the said Port of Portland, by its Executive Director and Assistant Secretary, has executed the foregoing this 17th day of January, 1989.

THE PORT OF PORTLAND

By W.L. Syme for EXECUTIVE DIRECTOR
Executive Director

By Daryl Swensen
Assistant Secretary

STATE OF OREGON)

) SS

COUNTY OF MULTNOMAH)

On this 17th day of January, 1989, before me appeared

W. L. Supak and Darla Swensen, both

to me personally known, who being dully sworn, did say that he,

the said W. L. Supak is the Deputy Executive Director, and

She, the said Darla Swensen is the Assistant Secretary, of

the Port of Portland, and who acknowledged that the within and

foregoing instrument was executed as their free and voluntary act

and deed, on behalf of and by the authority of the Port of

Portland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal this day and year last above written.

SEAL

Shirley L. Decker

Notary Public in and for the State
of Oregon

My commission expires March 7, 1990

ATTORNEY'S CERTIFICATE OF TITLE

I, M. Brian Playfair, of Multnomah County, in the State of Oregon, hereby certify:

THAT I am attorney-at-law, qualified to practice law in the State of Oregon.

THAT I am a duly authorized attorney for the Port of Portland.

THAT the lands listed below are on the Oregon side of the Columbia River.

THAT the attached Right-of-Entry for Dredged Material Disposal executed by the Port of Portland dated the 17th day of January 1989, is a true and correct original Right-of-Entry for Dredged Material Disposal.

I further certify that in my opinion the said Port of Portland at the time of executing and delivering the Right-of-Entry for Dredged Material Disposal hereinabove referred to, authorizing the United States of America and/or its assigns to enter upon and occupy certain lands and premises owned by, or under the control of said Port, and to deposit dredged material thereon, had procured and was the owner of all rights-of-way, easements, and privileges including deposit of dredged material in said Port by virtue of grants unto said Port from the following owners of land:

OWNER

PORT OF PORTLAND

SEE ATTACHED PERMIT
RIVERGATE INDUSTRIAL PARK

In my opinion, the foregoing grants to the Port of Portland from said owners are valid insofar as all of the owners and/or persons having any interest in the lands affected by the easements, right-of-way, and privileges therein referred to are concerned and embrace all of the lands which will be affected by the rights, easements, right-of-way, and privileges therein referred to as granted for the entire works as proposed which lands are described previously in this document and which are also referenced in the Right-of-Entry for Dredged Material Disposal from the said Port to the United States of America, dated the 17th day of January 1989, and referred to herein.

I further certify that on the date of the hereinabove mentioned Right-of-way for Dredged Material Disposal, the grantor therein was the lawful owner of the interests therein conveyed with lawful authority to execute said instrument and grant the interest therein described and conveyed: that on this date the Grantee, the United States of America, has the right to occupy the lands described and to construct thereon the public works contemplated, including deposit of dredged material, subject to the following:

Dated this 17th day of January, 1989, at Portland, Oregon

M. Brian Taylor
Attorney

THE TEMPORARY DREDGED MATERIAL DISPOSAL PERMIT

The undersigned, (called the "Owner" below), grants to the United States of America, or its assigns, (called the "Government" below), a permit or right-of-entry on the following terms and conditions:

1. The Owner grants to the Government an irrevocable right subject to the provisions of paragraph 7, to enter on the lands described below at any time from the date of this permit until November 1, 1994 in order to deposit dredged or excavated materials resulting from dredging operations in the channel of the Columbia River. And further, the Owner does covenants that he/she/they is/are the lawful owner of a sufficient estate in the lands to enable him to give the permission herein and that the lands are free from any encumbrances which would interfere with granting access.
2. This permit includes the right of ingress and egress on other lands of the owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government, and a right-of-way for men, pipeline, and machinery and/or other equipment over and across said lands along such routes as may be necessary for the hereinabove stated purpose.
3. All tools, equipment and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
4. The owner hereby expressly and fully releases the Government and its officers, agents, servants, and contractors from liability for any and all damages, including reasonable attorney fees, directly or indirectly caused by the negligence of the Owner, its employees, or subcontractors relating to the deposit of dredged material covered by this permit.
5. The Government hereby expressly and fully releases the Owner, its officers, agents, servants, and contractors from liability for any and all damages, including reasonable attorney fees, directly or indirectly caused by the negligence of the Government, its employees, or subcontractors relating to the deposit of dredged material covered by this permit.
6. The land affected by this permit or right-of-entry is located in the State of Oregon, County of Multnomah, and is described as follows:

PORT OF PORTLAND

SEE ATTACHED MAP
RIVERGATE INDUSTRIAL PARK

7. This permit or Right-of-Entry can be cancelled by owner after 90 days written notification to the Government.

Dated this 17th day of January, 1989.

WITNESS:

Paula L. Swenson

W.L. Spake for EXA. DR. (SEAL)

(SEAL)

